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JENNY L. KELBAUGH, CLERK
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2010 APR 11 AM 11:30
S. KELBAUGH

DEPUTY CLERK

IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

v.

STEVEN CARROLL DEMOCKER,

Defendant.

Cause No. P1300CR20081339

Division 6

MOTION FOR OUT OF COURT
TESTIMONY PURSUANT TO
A.R.S. § 13-4253

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy undersigned, moves for an Order of the Court allowing the testimony of a minor, Alex Knapp, to be taken in a room other than the courtroom and to be televised and be viewed by closed circuit equipment by the Court, jury and Defendant, pursuant to A.R.S. § 13-4253(A). This motion is supported by the attached Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

Alex Knapp is the twelve year old son of James Knapp. As the Court is aware, James Knapp lived in the guest house at the Bridle Path and was the first civilian on the scene after Carol's body was discovered. Defendant has alleged that James Knapp had a part in Carol's death, either directly as a possible suspect or indirectly through Knapp's alleged involvement in a prescription drug ring. The State has subpoenaed Alex to testify regarding his father's

1 whereabouts the night of July 2, 2008. Alex is expected to testify that James Knap was with
2 him during the time Carol was brutally murdered.

3 Attached are two letters: one from Alex's mother, Ann Saxerud, the other from Tony
4 J. Himes, Alex's therapist. It is the opinion of both that Alex is very fragile and will be
5 traumatized by having to testify in open court. A.R.S. §13-4253(A) provides that the court
6 may order that the testimony of a minor be taken in a room other than the courtroom and be
7 televised by closed circuit equipment in the courtroom to be viewed by the defendant and the
8 jury. Only the attorneys for the defendant and for the State, persons necessary to operate the
9 equipment and any person whose presence would contribute to the welfare and well-being of
10 the minor may be present in the room with the minor during her testimony. Only the
11 attorneys may question the minor. The court shall permit the defendant to observe and hear
12 the testimony but shall ensure that the minor cannot hear or see the defendant.
13

14 Where there is a showing that the atmosphere of the courtroom or the presence of the
15 defendant would traumatize victims or render them unable to communicate, the courts do not
16 hesitate to permit the use of televised testimony. *State v. Vess*, 157 Ariz. 236, 238, 756 P.2d
17 333 (App.1988). *See also State v. Vincent*, 159 Ariz. 418, 768 P.2d 150 (1989). The State
18 has the equipment readily available for the purposes of the specific request set forth herein
19 should the court so order. Based upon the foregoing the State respectfully requests that the
20 Court issue an order allowing for the testimony of the minor witness to be taken pursuant to
21 A.R.S. Sec. 13-4253(A).
22

23 ///

24 ///

25 ///

1 RESPECTFULLY SUBMITTED this 1ST day of April, 2010.

2
3 Sheila Sullivan Polk
4 YAVAPAI COUNTY ATTORNEY

5 By: [Signature]
6 Joseph C. Butner
7 Deputy County Attorney

8
9 COPIES of the foregoing delivered this
10 1st day of April, 2010 to:

11 Honorable Thomas J. Lindberg
12 Division 6
13 Yavapai County Superior Court
14 (via email)

15 John Sears
16 107 North Cortez Street, Suite 104
17 Prescott, AZ 86301
18 Attorney for Defendant
19 (via email)

20 Larry Hammond
21 Anne Chapman
22 Osborn Maledon, P.A.
23 2929 North Central Ave, 21st Floor
24 Phoenix, AZ
25 Attorney for Defendant
26 (via email)

By: [Signature]

Office of the Yavapai County Attorney

255 E. Gurley Street, Suite 300

Prescott, AZ 86301

Phone: (928) 771-3344 Facsimile: (928) 771-3110

STATE'S EXHIBIT A

Letters from Ann Saxerud and Tony J. Himes

3/19/10

Dear Judge Lindberg,

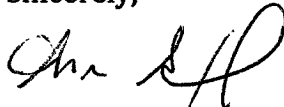
I am writing on behalf of my son Alex Knapp. He has been subpoenaed in the Steven DeMocker case. I am requesting his testimony be taken by an alternative method, specifically via closed-circuit TV in chambers.

Alex is twelve years old-a young, vulnerable and fragile witness. I hope we can minimize the trauma of testifying in court for Alex. My son has expressed to me his fear of being in the courtroom with Steve DeMocker and yesterday asked "What if Steve gets off and comes after me?" along with "It doesn't seem like something a twelve year old boy should have to do."

Alex has been expected to cope with too many sad situations in his twelve years, beginning with the unraveling of his family ending in divorce, the hardship of moving from his home multiple times, watching his father relapse into drug addiction with all its chaos and heart break. He stood by helpless during his dad's declining physical and mental illness. All this, mixed in with his dad being named as a murder suspect and the hardest of all, his dad's violent suicide.

Please help me protect Alex's emotional wellbeing.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Saxerud", with a stylized flourish at the end.

Ann Saxerud

cc Joseph C. Butner III

Tony J. Himes, MS

Licensed Marriage & Family Therapist

PO Box 3969 • Prescott, AZ 86302
928.777-9154

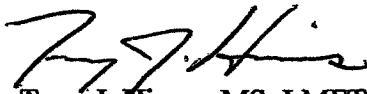
March 18, 2010

Judge Lindberg:

I am writing you regarding Alex Knapp. This young man has been seen by me on several occasions and my impressions of Alex are that he is at a fragile juncture in his emotional development. Currently he is still grieving the loss of his father and attempting to manage various stressors connected with court proceedings he has become a part of. I believe it would be in Alex's best interest to reduce the amount of anxiety he be exposed to by allowing him to provide whatever information that is sought in a closed chamber setting. I hope that you will consider what is left of this youngsters innocence in your decision making process.

I appreciate your attention and time concerning this matter.

Respectfully,



Tony J. Himes, MS, LMFT
Licensed Marriage & Family Therapist